

**BOARD OF ENVIRONMENTAL PROTECTION**  
**Meeting Minutes**

October 2, 2003

A meeting of the Board of Environmental Protection was held on Thursday, October 2, 2003, at the Holiday Inn / Ground Round facility in Augusta, Maine. Richard Wardwell, Chair, called the meeting to order at 9:00 a.m. with the following individuals present:

**Board:** Ernest Hilton, Irving Faunce, Katharine Littlefield, Richard Wardwell, Virginia Plummer, and Matt Scott. Jean T. Wilkinson arrived at approximately 9:15

**Absent:** Nancy Ziegler

**Note:** There are currently two vacancies

**Staff:** Bureau of Land & Water Quality  
Bureau of Remediation and Waste Mgmt.

Dana Murch  
George Seel

**Others:** Dawn Gallagher, Commissioner  
Carol Blasi, Assistant Attorney General  
Cynthia Bertocci, Executive Analyst  
Terry Hanson, Administrative Assistant

*(Meeting adjourned at approximately 1:00 p.m.)*  
*(The Board reconvened at 1:30 for a public hearing)*

**I. DEPARTMENTAL**

**A. COMMISSIONER'S COMMENTS:** Dawn Gallagher, Commissioner reported the following:

Cabinet Retreat: Governor Baldacci recently held a cabinet retreat and one of the top areas of discussion was the development of a sustainable economic environment. Following discussions on this topic, several areas were identified in which the DEP could contribute to this initiative. The Department will be working with officials of the Bureau of Health to identify areas of overlap between health related goals and environmental goals to coordinate efforts (e.g. lead abatement program and toxics initiatives). Additionally, an enhanced recycling program to include electronic components would assist in the development of a sustainable economy and it is hoped that a Maine based company would become equipped to deal with the recycling of electronic hazardous waste.

Energy Resource Council: The Energy Resource Council is composed of the commissioners of various agencies including the Department of Environmental Protection, Public Utilities Commission, State Planning Office, etc. . Among other things, the Council is looking at renewable energy sources and is charged with development of a system to aid companies with the regulatory process and to identify up front all necessary permits to do business in Maine. The goal is to have multi-media and multi-agency permitting process that is of high efficiency. The Council plans to develop a tool to help companies locate their projects in areas that are less environmentally sensitive and give them early notice of any more extensive permitting process or project design requirements.

Department: Andrew Fisk has joined the DEP. The hiring process for the director of the Bureau of Remediation and Waste Management is underway. The Commissioner will be interviewing the top 8 candidates. The top 4 will then be interviewed by a selection panel composed of Bureau staff, to be followed by an informal noon time meet and greet with each candidate open to all Department staff. Brooke Barnes has officially left the Department, and the hiring process for the Deputy Commissioner position will begin within the next couple of months.

New England Governors / Eastern Canadian Premiers: The annual conference of the New England Governors and Eastern Canadian Premiers was held. There was considerable discussion of the recent blackout. This lead to discussions of the need for additional transmission lines to supply power between Canada and the United States. The Commissioner described Governor Baldacci's interest in strengthening language in their resolutions governing environmental programs. The result was a stronger resolution that included language on conservation, smart growth, greenhouse gas registries and increased efforts on climate change work. The proposed new language started dialogue about EPA's New Source Review Policy as it applies to existing facilities and the ability to incrementally replace a facility using the 20% replacement cost mechanism without the requirement to install additional pollution control devices. Governor Baldacci is going to contact EPA regarding this policy and ask if changes could be made at the Federal level to require pollution control devices.

**B. CHAIRMAN'S COMMENTS:**

Governor Baldacci has extended the terms of the Chair and Board member Virginia Plummer to complete work on pending projects. There are currently 2 vacancies with the Board and it is hoped that candidates for these vacancies will be identified and appointed soon.

Chairman Wardwell shared a note from former Board member Melford Pelletier. Mr. Pelletier stated that membership on the Board had been a great educational experience and he expressed his appreciation for the opportunity to serve with the other members. Mr. Pelletier also offered insight into his decision not to seek a second term.

**C. EXECUTIVE ANALYST COMMENTS:**

Bangor Hydro Electric Company sent a letter advising that BHE plans to begin a stakeholder process regarding its proposed transmission line project and expects to submit an application to the Department in June of 2004.

Ft. Kent: The Board's decision on the appeal regarding the Town of Fort Kent's multi use trail has been appealed to Superior Court. Board members may contact the Executive Analyst for a copy of the complaint.

**D. BOARD CALENDAR:**

Reviewed

**E. DEPARTMENTAL ORDERS:**

Reviewed

**F. EXECUTIVE SESSION:**

None

**II CONSENT AGENDA ITEMS**

The Board voted (7-0-0-3) on a motion to approve consent agenda items 1, 2, 3, 4, 5, and 6 as presented.

*Board members Ernest Hilton, Irving Faunce, Katharine Littlefield, Richard Wardwell, Virginia Plummer, Matt Scott, and Jean T. Wilkinson voted to support the motion. Board member Nancy Ziegler was absent. There are two vacancies.*

1. BORALEX ATHENS ENERGY INC., and BORALEX FORT FAIRFIELD INC., Athens and Fort Fairfield – Administrative Consent Agreement and Enforcement Order (BRWM / BAQ)
2. WHITE CONSTRUCTION CO., INC., Rockland – Administrative Consent Agreement (BRWM)
3. ROSENDO LONGORIA d/b/a STATEWIDE ASBESTOS REMOVAL, Bangor – Administrative Consent Agreement (BRWM)
4. D.L. OVERLOCK EXCAVATION, Montville – Administrative Consent Agreement and Enforcement Order (BRWM)
5. ROSE MARIE BOLOGNA, Boothbay – Administrative Consent Agreement and Enforcement Order (BLWQ-Land)
6. DALE HENDERSON LOGGING, INC., Steuben – Administrative Consent Agreement (BLWQ-Land)

### III. Regular Agenda

1. S.D. WARREN (appeal of Water Quality Certification Order / Presumpscot River Hydropower Projects)

The Board voted (7-0-0-3) on a motion to affirm the Commissioner's decision to approve with conditions S.D. Warren Company's 401 Water Quality Certification and deny the appeal of S.D. Warren. The vote was taken pursuant to 38 M.R.S.A. Section 341-D and 464 et seq. and 06-096 CMR Chapter 2.

*Board members Ernest Hilton, Irving Faunce, Katharine Littlefield, Virginia Plummer, Richard Wardwell, Jean T. Wilkinson, and Matt Scott voted to support the motion. Board member Nancy Ziegler was absent. There are two vacancies.*

#### BOARD TO RECONVENE AT 1:30 FOR THE FOLLOWING:

2. **Public Hearing:** Chapter 691 Amendments to Rules for Underground Oil Storage Facilities  
No Vote was taken.
3. CHINA LAKE / WATER LEVEL (deliberative session)  
No Vote was taken.

Staff: Dana P. Murch, Bureau of Land and Water Quality  
Cynthia S. Bertocci, BEP Executive Analyst